



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 301 S. PARK, DRAWER 10096
HELENA, MONTANA 59626-0096

EC-2
980522



Ref: 8MO

February 3, 1999

Ms. Jeanne M. Higgins, Acting District Ranger,
Three Rivers Ranger District
1437 North Highway 2
Troy, Montana 59935

Re: Bull Lake Estates Access Draft
Environmental Impact Statement

Dear Ms. Higgins:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the Environmental Protection Agency (EPA), Region VIII, Montana Office has reviewed the above-referenced Draft Environmental Impact Statement (DEIS).

The EPA does not object to provision of road access across Federal land to the proposed Bull Lakes Estates subdivision, since the Alaska National Interest Lands Conservation Act (ANILCA) requires the Forest Service to provide access to the owner of nonfederally owned land for the reasonable use and enjoyment of those lands in a manner that minimize the impact on the Federal resources. We are concerned, however, about potential adverse effects to the ecological resources of the Bull Lake area and adjacent Federal resources that are likely to occur as a result of the development of the Bull Lake Estates subdivision.

The EPA considers the no action alternative, Alternative A, to be the environmentally preferable alternative, since no access easement would be issued for the Bull Lake Estates subdivision, and it is assumed that final approval of the subdivision would not be granted by the Lincoln County Board of Commissioners. We consider this to be environmentally preferable since it would avoid the adverse social, water quality, fisheries and wildlife impacts associated with the Bull Lakes Estates subdivision (e.g., litter, noise, traffic, law enforcement problems, sedimentation, nutrient enrichment, increased fishing pressure, harassment of kokanee salmon spawning, increased road traffic and access, increased vehicle/animal collisions, habitat disturbance and displacement, spread of noxious weeds, adverse effects to T&E species such as bull trout, grizzly bear, bald eagle, and gray wolf).



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Of the action alternatives EPA favors Alternative C, since Alternative C has a 20 year life cycle total cost of \$49,100 less per mile for Road #8019 (segment 2) than does the preferred alternative, Alternative B. The paving of road #8019 (segment 2) in Alternative C would also produce the environmental benefits of reduced road dust and adverse dust related visibility and vegetation impacts, and reduced potential for road erosion and sediment/dust transport to Bull Lake via both surface and air transport. The DEIS did not explain why the Forest Service prefers Alternative B over Alternative C, even though Alternative C has environmental benefits and reduced life cycle total costs. We recommend that the FEIS/ROD clarify the rationale for selection of the preferred alternative.

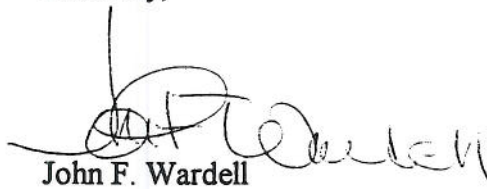
We also believe that the allocation of road improvement (widening, paving, and reconstruction) and road maintenance costs that will be paid by the developer of the subdivision and the Forest Service and County government should be disclosed in the FEIS. It does not seem appropriate for the general public to pay for the bulk of road improvements that will primarily benefit a private developer, and a relatively few subdivision residents, particularly when the subdivision is likely to adversely impact public resources (i.e., adverse social, water quality, fisheries, and wildlife impacts of the subdivision).

Our more detailed comments, questions, and concerns regarding the analysis, documentation, or potential environmental impacts of the Bull Lake Estates Access DEIS are enclosed for your review and consideration as you complete the final environmental document.

Based on the procedures EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action and alternatives in an EIS, the Bull Lake Estates Access DEIS has been rated as Category EC-2 (Environmental Concerns - Insufficient Information). A copy of EPA's rating criteria is attached. As can be seen from the enclosed comments, we are concerned about potential adverse social, water quality, fisheries, and wildlife impacts of the development of the Bull Lake Estates subdivision. We also believe additional information is needed to fully assess and mitigate all potential environmental impacts of the management actions.

The EPA appreciates the opportunity to review and comment on the DEIS. If we may provide further explanation of our concerns please contact Mr. Steve Potts of my staff in Helena at (406) 441-1140 ext. 232.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Wardell", is written over a horizontal line.

John F. Wardell
Director
Montana Office

Enclosures

cc: Cynthia Cody/Virginia Rose, EPA 8EPR-EP, Denver
Ann Puffer, Forest Service-Region 1, EAP, Missoula
Sandy Olsen, MDEQ, Helena

SUMMARY OF RATING DEFINITIONS

ENVIRONMENTAL IMPACT OF THE ACTION

LO--LACK OF OBJECTIONS

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--ENVIRONMENTAL CONCERNS

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO--ENVIRONMENTAL OBJECTIONS

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--ENVIRONMENTALLY UNSATISFACTORY

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

CATEGORY 1--ADEQUATE

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

CATEGORY 2--INSUFFICIENT INFORMATION

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

CATEGORY 3--INADEQUATE

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

EPA Comments on the Bull Lake Estates Access Draft Environmental Impact Statement

Three Rivers Ranger District, Kootenai National Forest

BRIEF PROJECT OVERVIEW:

The Kootenai National Forest, Three Rivers Ranger District, is proposing to grant an easement for Forest Service roads #398 and 8019 to access the Bull Lake Estates subdivision located on Bull Lake in the SW 1/4 of Section 29, T29N, R33W, PMM, Lincoln County, Montana. The Bull Lake Estates subdivision is located on the west shore of Bull Lake and includes 47 lots and would increase local populations by approximately 125 residents if completely developed. The Lincoln County Board of Commissioners gave preliminary approval to the Bull Lake Estates subdivision in August 1996. The development was subsequently analyzed in a EIS by the Montana Department of Environmental Quality.

Reconstruction and widening of portions of the Forest Service roads is proposed to allow Lincoln County to accept jurisdiction for the road. The DEIS evaluates no action, (Alternative A), the proposed action (Alternative B), and an alternative involving paving a portion of road #8019 for dust abatement (Alternative C).

The no action alternative, Alternative A, would involve no issuance of an access easement to Bull Lake Estates, and no reconstruction of roads #398 and 8019. It is also assumed that since no easement would be issued, final approval of the Bull Lakes Estates subdivision would not be granted by the Lincoln County Board of Commissioners.

The proposed action, Alternative, B, would involve: 1) paving the existing 2 feet of road shoulder on each side of the existing 20 feet paved section of road #398 from Highway 56 to the bridge across Ross Creek (0.5 miles); 2) widening the existing 20 feet paved road #398 from the Ross Creek bridge to Bad Medicine Campground (0.9 miles), and constructing a 4-6 car parking lot at the intersection of roads #398 and 8019 for use during winter by cross country skiers; and 3) increasing the width of road #8019 from Bad Medicine Campground to the subdivision from 14 feet to 24 feet with gravel surface and six turnouts (1.3 miles).

Alternative C would involve the same road improvements as Alternative B with the exception that the section of road #8019 from Bad Medicine Campground to the subdivision (called Road 8019, segment 2) would be paved instead of the gravel surface of Alternative B in order to have increased dust abatement.

COMMENTS:

1. It is stated (page 1-5) that there is also a need to allow installation of underground telephone and power lines to the subdivision. We did not see proposed locational routes of these underground telephone and power lines identified in the DEIS, nor did we see analysis of the environmental effects of the construction and placement of these underground telephone and power lines. Analysis of the environmental effects of the construction of these underground lines should be included in the FEIS. Will these underground telephone and power lines be placed in trenches adjacent to the roadways? Will their construction involve any stream or wetland crossings?
2. Thank you for including the informative maps on pages 2-14, 2-15, and 2-16. These maps clearly depict roads #398 and 8019 and proposed road improvements relative to the location of Bull Lake, the subdivision, RHCAs, wetlands, etc., and they are very helpful to the reader enabling improved understanding of the alternatives.
3. The display of costs in Table 3-4 (page 3-13) shows that Alternative C has a 20 year life cycle total cost of \$49,100 less per mile for Road #8019, segment 2, than the preferred alternative, Alternative B. It is also clear that the paving of road #8019, segment 2, in Alternative C would produce the environmental benefits of reduced road dust and adverse dust related visibility and vegetation impacts, and reduced potential for road erosion and sediment/dust transport to Bull Lake via both surface and air transport. Since Alternative C has both long term cost and environmental benefits over Alternative B, why does the Forest Service prefer Alternative B over Alternative C? We recommend that the FEIS/ROD clarify the rationale for selection of the preferred alternative.
4. We did not see that the DEIS identified the cost of road improvements and maintenance that would be borne by the developer of the subdivision vs. the Forest Service vs. the County. The allocation of road improvement (widening, paving, and reconstruction) and road maintenance costs that will be paid by the developer of the subdivision and the Forest Service and County Government should be disclosed in the FEIS. These cost allocations should be disclosed for initial reconstruction as well as annual maintenance. It does not seem appropriate for the general public to pay for the bulk of road improvements that will primarily benefit a private developer, and a relatively few subdivision residents, particularly when the subdivision is likely to adversely impact public resources (i.e., adverse social, water quality, fisheries, and wildlife impacts of the subdivision).
5. The EPA considers the no action alternative to be the environmentally preferred alternative since this alternative would avoid the adverse social, water quality and fisheries and wildlife impacts associated with not providing an access easement to the Bull Lakes subdivision (e.g., increased litter, noise, traffic, law enforcement problems, sedimentation, nutrient enrichment, increased fishing pressure, harassment of kokanee salmon spawning, increased road traffic and access, increased vehicle/animal collisions, habitat disturbance and displacement,

increased spread of noxious weeds, adverse effects to T&E species such as bull trout, grizzly bear, bald eagle, and gray wolf).

6. The public safety and resource protection mitigation measures are stated (page 2-17) to include "8 feet of full clearing and 10 feet of partial clearing on each side of the roads", while the soil, water, and fisheries protection mitigation measures include "minimizing clearing in the RHCA." It would appear that these two mitigation measures may conflict. To what extent will the "8 feet of full clearing and 10 feet of partial clearing" mitigation measure be abrogated in RHCA's to protect the RHCA? We recommend that clearing on the east side of road #8019 be minimized to better shield Bull Lake and Ross Creek and adjacent wetlands from the dust and erosion effects of the road. A maximum width vegetative filter should be left between the road and Bull Lake and Ross Creek and adjacent wetlands. This will help minimize sediment transport to waterbodies and also help screen the road from the lake.

7. It is our understanding that the two wetlands that are located to the south of Bad Medicine Campground (page 3-35) will remain undisturbed by the proposed road improvements. We ask, however, if indirect impacts to these wetlands are expected to occur (i.e., from runoff of sediment and other pollutants or increased access to the wetlands that may disturb their fragile ecology)?

8. We are pleased that new culverts would be sized to handle peak flows from rain on snow events (page 3-38). How many new culverts would be needed in the proposed road reconstruction?

9. Will roads #398 and 8019 be snowplowed? If so, we believe the effects of snow plowing should be analyzed and disclosed in the FEIS (i.e., potential to introduce sediment or road deicers into Ross Creek during snow plowing). Adverse effects from snow plowing should be mitigated.

SUMMARY PARAGRAPH FORM

ERP NUMBER

RATING ASSIGNED TO PROJECT

EC-2

**NAME OF EPA OFFICIAL RESPONSIBLE
FOR REVIEW OF PROJECT (Principle Reviewer)**

Steve Potts

SUMMARY OF COMMENT LETTER

The EPA has reviewed the Bull Lake Estates Access Draft Environmental Impact Statement (DEIS) prepared by the Three Rivers Ranger District of the Kootenai National Forest. The EPA expressed environmental concerns about potential adverse social, water quality, fisheries, and wildlife impacts of the development of the Bull Lake Estates subdivision. We also believe additional information is needed to fully assess and mitigate all potential environmental impacts of the management actions.

PARAGRAPH APPROVED FOR PUBLICATION

(Initials of OFA
Approving Official)

NOTE: Transmit 2 copies to MIU

8MO File: 9901